

EXHIBIT A

Loveless, Linda L.

From: Delcollo, Renee Mosley
Sent: Tuesday, December 7, 2021 6:08 PM
To: Sharp, Melanie; Farnan, Kelly E.; Kopinski, Nicole; Parrish, Daniel; Chacko, Anupa; Hubbi, Adam; Beckman-Sysmex-Litigation
Cc: SysmexDelLit
Subject: RE: BCI Exhibit Highlighting - RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

Melanie,

We will accept your proposed changes and file the stipulation. With respect to your client's review of the opening briefs, we are checking and do not have a response yet.

We disagree that BCI can amend its exhibits without our prior review and approval. We expect you to share the proposed new exhibits with us first and require that you include us on any communication to the Court concerning the exhibits.

Renée Mosley Delcollo
(302) 651-7641

From: Sharp, Melanie <msharp@ycst.com>
Sent: Tuesday, December 7, 2021 5:39 PM
To: Farnan, Kelly E. <Farnan@RLF.com>; Kopinski, Nicole <nkopinski@leydig.com>; Parrish, Daniel <DParrish@crowell.com>; Chacko, Anupa <AChacko@ycst.com>; Hubbi, Adam <AHubbi@ycst.com>; Beckman-Sysmex-Litigation <Beckman-Sysmex-Litigation@leydig.com>
Cc: SysmexDelLit <SysmexDelLit@crowell.com>; Delcollo, Renee Mosley <delcollo@rlf.com>
Subject: RE: BCI Exhibit Highlighting - RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

Kelly,

Leydig is having some IT issues and is not getting emails, so this will be a preliminary response.

Attached please find our redline to your proposed stipulation. We do not see any reason to substantially delay filing redacted versions of the briefs that have already been filed. We have already provided our proposed redactions to most briefs, so it should be easy to provide yours in response. Because the supporting papers are more extensive, we agree they will require more time and have provided for that. We also believe we should file before oral argument. You may s/ for me if you accept the redlines. That will take care of the challenge with today's deadline.

Your email below does not respond to the next most immediate question, repasted below. Please confirm we may share Sysmex opening briefing with our client.

Relatedly, please let us know if Sysmex has any objections to us providing our client with copies of Sysmex's opening brief in support of its motion for partial summary judgment and to exclude certain opinions of BCI's experts. Similarly, please let us know if Sysmex has any objections to us providing our client with copies of BCI's own briefs in support of its motions for summary judgment and its *Daubert* motion regarding Mr. Haas. If you object to our disclosure of either party's briefs to our client, please identify the portions of the briefs to which Sysmex is objecting.

Finally, we propose to reduce the volume of the exhibits filed by reducing to excerpts only and making sure that we have highlighted only what is already briefed. Accordingly, there will be no impact on Sysmex's answering brief because there is nothing that is substantively new. We do not agree that Sysmex's consent is necessary for the proposed reduction. We do agree to try to accelerate preparation of the excerpted version of our exhibits.

You may hear more from Leydig when their email/IT issues resolve.

Thanks.

Melanie



Melanie K. Sharp, Partner

Young Conaway Stargatt & Taylor, LLP

Rodney Square, 1000 North King Street

Wilmington, DE 19801

P: 302.571.6681 | F: 302.576.3333

msharp@ycst.com | www.youngconaway.com | [vCard](#)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message.

Thank you for your cooperation.

From: Farnan, Kelly E. <Farnan@RLF.com>

Sent: Tuesday, December 7, 2021 4:23 PM

To: Kopinski, Nicole <nkopinski@leydig.com>; Parrish, Daniel <DParrish@crowell.com>; Chacko, Anupa <AChacko@ycst.com>; Sharp, Melanie <msharp@ycst.com>; Hubbi, Adam <AHubbi@ycst.com>; Beckman-Sysmex-Litigation <Beckman-Sysmex-Litigation@leydig.com>

Cc: SysmexDellit <SysmexDellit@crowell.com>; Delcollo, Renee Mosley <delcollo@rlf.com>

Subject: RE: BCI Exhibit Highlighting - RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

Nicole,

With respect to BCI's proposal to replace its exhibits, we are concerned that BCI will be making changes that impact our answering briefs without giving us adequate time to consider them. We believe BCI requires our approval in order to make the substantive amendments you propose. We are certainly willing to consider them, provided BCI provides us with its draft proposed exhibits by December 9.

In addition, given the number of exhibits and the changes proposed by BCI, we propose that all redactions be filed one week after completion of the oral argument scheduled on the motions. Attached is a proposed stipulation. Please let me know if this is agreeable.

Thanks,
Kelly

The information contained in this electronic communication is intended only for the use of the individual or entity named above and may be privileged and/or confidential. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorized dissemination, distribution or copying of this communication is strictly prohibited by law. If you have received this communication in error, please immediately notify us by return e-mail or telephone (302-651-7700) and destroy the original message. Thank you.

From: Kopinski, Nicole <nkopinski@leydig.com>

Sent: Tuesday, December 7, 2021 1:19 PM

To: Parrish, Daniel <DParrish@crowell.com>; Chacko, Anupa <AChacko@ycst.com>; Sharp, Melanie <msharp@ycst.com>; Hubbi, Adam <AHubbi@ycst.com>; Beckman-Sysmex-Litigation <Beckman-Sysmex-Litigation@leydig.com>

Cc: SysmexDellLit <SysmexDellLit@crowell.com>; Delcollo, Renee Mosley <delcollo@rlf.com>; Farnan, Kelly E. <Farnan@RLF.com>

Subject: RE: BCI Exhibit Highlighting - RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

*** EXTERNAL EMAIL ***

Counsel:

We write in response to your email from Thursday night, December 2, 2021. You are correct that BCI's exhibits, with the exception of Exhibit 44, do not contain highlighting.

BCI intends to file and serve replacement versions of its exhibit volumes 1-5, originally filed at docket numbers 416-420, in truncated format. We believe this will be helpful for counsel and the Court. In addition, it will allow BCI to provide highlighting for the truncated exhibits. We will file the truncated, replacement exhibits by December 14, 2021.

In addition, we request a two-week extension of today's deadline to the file the redacted versions of BCI's exhibits. The redactions will be applied to the truncated, replacement exhibits. This extension will allow BCI to provide Sysmex with an opportunity to redact any of its confidential information from the truncated, replacement exhibits before they are filed on the public docket. We propose filing the redacted versions of the truncated, replacement exhibits by December 21, 2021.

We would appreciate the opportunity to review Sysmex's redactions to its exhibits before they are filed on the public docket, in order to ensure that any BCI confidential information is redacted. Therefore, assuming Sysmex requires additional time to provide us with a sufficient opportunity to review its redacted exhibits, we are amenable to an extension of today's deadline for Sysmex.

If the foregoing is acceptable to you, we will draft a proposed stipulation.

Relatedly, please let us know if Sysmex has any objections to us providing our client with copies of Sysmex's opening brief in support of its motion for partial summary judgment and to exclude certain opinions of BCI's experts. Similarly, please let us know if Sysmex has any objections to us providing our client with copies of BCI's own briefs in support of its motions for summary judgment and its *Daubert* motion regarding Mr. Haas. If you object to our disclosure of either party's briefs to our client, please identify the portions of the briefs to which Sysmex is objecting.

Thank you,
Nicole Kopinski

Nicole E. Kopinski

Leydig, Voit & Mayer, Ltd.

Intellectual Property | Registered Patent Attorney
Two Prudential Plaza, Suite 4900 | 180 North Stetson Avenue | Chicago, IL 60601-6745
(312) 616-5624 – Direct | (312) 616-5600 – Main | (312) 616-5700 – Facsimile
nkopinski@leydig.com | www.leydig.com

From: Parrish, Daniel <DParrish@crowell.com>

Sent: Thursday, December 2, 2021 8:25 PM

To: Chacko, Anupa <AChacko@ycst.com>; Sharp, Melanie <msharp@ycst.com>; Beckman-Sysmex-Litigation <Beckman-Sysmex-Litigation@leydig.com>; Hubbi, Adam <AHubbi@ycst.com>

Cc: SysmexDellit <SysmexDellit@crowell.com>; 'Delcollo, Renee Mosley' <delcollo@rlf.com>; Farnan, Kelly E. <farnan@rlf.com>

Subject: BCI Exhibit Highlighting - RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

[External Email]

Dear counsel:

In our review to date of BCI's voluminous exhibits to its *Daubert* and summary judgment motions filed on Nov. 30 at 7:01, 7:10, and 7:23 PM Eastern, we have not located any highlighting. Please promptly confirm that BCI did not serve highlighted exhibits, or if select exhibit pages contain highlighting, please promptly identify those exhibits and pages.

Best regards,

Daniel Parrish | Crowell & Moring LLP

Intellectual Property Attorney | Counsel

455 N. Cityfront Plaza Drive, Suite 3600 | Chicago, IL 60611

T: +1 312-840-3279 | M: +1 952-215-8380

dparrish@crowell.com | www.crowell.com

Privileged and Confidential
Attorney-Client Communication
Attorney Work Product

This message contains privileged and confidential information. IF IT WAS SENT TO YOU BY MISTAKE, DO NOT READ IT. Instead, please notify the sender (or postmaster@crowell.com) by reply e-mail, and delete this e-mail. Unauthorized dissemination, forwarding or copying of this e-mail is strictly prohibited.

=====

From: Chacko, Anupa <AChacko@ycst.com>

Sent: Tuesday, November 30, 2021 6:39 PM

To: 'BGL Sysmex Listsert' <BGLSysmex012Team@brinksgilson.com>; 'Delcollo, Renee Mosley' <delcollo@rlf.com>; Farnan, Kelly E. <farnan@rlf.com>; James, Joshua <JJames@crowell.com>; Mallin, Robert <RMallin@crowell.com>; Parrish, Daniel <DParrish@crowell.com>; Sobieraj, James <JSobieraj@crowell.com>; White, Alexis <AWWhite@crowell.com>

Cc: Sharp, Melanie <msharp@ycst.com>; 'Beckman-Sysmex-Litigation (Beckman-Sysmex-Litigation@leydig.com)' <Beckman-Sysmex-Litigation@leydig.com>

Subject: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): [SEALED] Declaration of Wallace E. Feng

External Email

Please use the link below to download your service copy of the following documents, filed and/or served in the above-referenced action today on behalf of Beckman Coulter, Inc.

CONFIDENTIAL – FILED UNDER SEAL

- D.I 416 – 420: Volumes 1 – 5, Declaration of Wallace E. Feng in Support of Beckman Coulter, Inc.'s Opening Briefs in Support of its Motion for Summary Judgment of Non-Infringement and Invalidity and its Daubert Motion to Exclude the Opinions of Plaintiffs' Expert David with Exhibits 1-44

<https://ycst.sharefile.com/d-s3f7f74955c134dc380a85214082a9f2b>



Anupa M. Chacko, Paralegal

Young Conaway Stargatt & Taylor, LLP
Rodney Square, 1000 North King Street
Wilmington, DE 19801

P: 302.571.6620 | F: 302.576.3387

AChacko@ycst.com | www.youngconaway.com

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

CAUTION RLF: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

EXHIBIT B

Loveless, Linda L.

From: James, Joshua <JJJames@crowell.com>
Sent: Monday, January 24, 2022 4:01 PM
To: Feng, Wallace; Mallin, Robert; Sobieraj, James; Delcollo, Renee Mosley; White, Alexis; Farnan, Kelly E.
Cc: Feigelson, Aaron; Airan, David; Mueller, Wesley; Kopinski, Nicole; Sharp, Melanie; JHiggins@ycst.com; Hallowell, Taylor E.; Hubbi, Adam; CVilloslada@ycst.com; Beckman-Sysmex-Litigation; SysmexDelLit
Subject: RE: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): Proposed Redactions

*** EXTERNAL EMAIL ***

Wallace,

Thank you for sending us BCI's proposed redactions. We will be sending our proposed redactions later today.

Regarding the replacement versions of D.I. 416-20 that you intend to file, we do not agree to the filing of the replacement highlighted and/or excerpted versions. If you need more time to redact the exhibits as filed, please let us know, so we can discuss a stipulation to extend the redaction deadline.

Regards,

Josh

Joshua James

jjames@crowell.com

Direct: 1.312.840.3270 | Mobile: 1.630.217.8444

Crowell & Moring LLP | www.crowell.com

455 N. Cityfront Plaza Drive, Suite 3600

Chicago, IL 60611

From: Feng, Wallace <wfeng@leydig.com>
Sent: Saturday, January 22, 2022 12:06 AM
To: Mallin, Robert <RMallin@crowell.com>; Sobieraj, James <JSobieraj@crowell.com>; James, Joshua <JJJames@crowell.com>; Delcollo, Renee Mosley <delcollo@rlf.com>; White, Alexis <AWhite@crowell.com>; Farnan, Kelly E. <Farnan@RLF.com>
Cc: Feigelson, Aaron <afeigelson@leydig.com>; Airan, David <dairan@leydig.com>; Mueller, Wesley <wmueller@leydig.com>; Kopinski, Nicole <nkopinski@leydig.com>; Sharp, Melanie <msharp@ycst.com>; JHiggins@ycst.com; Hallowell, Taylor E. <THallowell@ycst.com>; Hubbi, Adam <AHubbi@ycst.com>; CVilloslada@ycst.com; Beckman-Sysmex-Litigation <Beckman-Sysmex-Litigation@leydig.com>
Subject: Sysmex v. Beckman Coulter 19-1642 (RGA-CJB): Proposed Redactions

External Email

Counsel:

Pursuant to the parties' stipulation of extension of time to file public versions of their dispositive/*Daubert* briefs and exhibits (D.I. 422), please find in the following FTP link containing BCI's proposed redactions to the briefs (D.I. 427, 429, 435, 436) and to the exhibits (D.I. 416-20, 428, 430-32, and 437-38):

<https://sendfile.leydig.com/?ShareToken=F5325F5B652F9BE37191B3039E6521E609228066>

Please note that BCI intends to replace the exhibits filed at D.I. 416–20 with the highlighted and/or excerpted versions that are provided in the above link. These replacement exhibits include the pages and paragraphs of BCI’s opening exhibits that are cited in Sysmex’s briefs.

Given that the deadline to file public versions of these documents is Tuesday, January 25, 2022, please provide Sysmex’s proposed redactions to the parties’ dispositive/*Daubert* briefs and exhibits no later than the close of business on Monday, January 24, 2022.

In addition, please provide us with Sysmex’s proposed redactions to the exhibits to Sysmex’s opening brief, which were filed under seal at D.I. 408 and 409. We will provide you with BCI’s proposed redactions to these exhibits via a separate FTP link.

Regards,

Wallace

Wallace Feng | Leydig, Voit & Mayer, Ltd.

Attorney at Law | Intellectual Property

Two Prudential Plaza, Suite 4900 | Chicago, IL 60601-6745

Tel: 312-616-5657

wfeng@leydig.com | www.leydig.com

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you

CAUTION RLF: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.